

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION NO.
)	2:07cr222-MHT
ANTONIO D. McDADE)	(WO)

OPINION AND ORDER

This case is before the court on the question of defendant Antonio D. McDade's competency to stand trial. The court must determine whether McDade is "presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(d). Based on the evidence presented at a hearing on April 28, 2009, the court concludes that McDade has the mental capacity to stand trial.

The court ordered psychiatric evaluation of McDade at the government's request after McDade filed a

notice of insanity defense. McDade's notice attached a report (doc. no. 85-1), authored by forensic psychologist Dr. Karl Kirkland, diagnosing McDade with mild mental retardation, among other things. Dr. Kirkland did not opine as to McDade's competency to stand trial. At the request of the government, the court then ordered an evaluation by the Federal Bureau of Prisons. Dr. Lisa Feldman of the Prisons Bureau in Miami, Florida, file a report stating that McDade was likely malingering and that he "demonstrated no active mental states that would interfere with his rational understanding of the proceedings against him or his ability to assist toward his defense, if he was motivated to do so." Psychiatric Report (doc. no. 101) at 13.

The court finds, based on the evaluations by Drs. Kirkland and Feldman and pursuant to 18 U.S.C. § 4241(d), that McDade is not currently suffering from a mental disease or defect such that he is unable to

understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Accordingly, it is ORDERED that defendant Antonio D. McDade is declared mentally competent to stand trial.

DONE, this the 28th day of April, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE